REMARKS

Reconsideration of the present application is respectfully requested. In the Office Action mailed on April 26, 2006, claims 35-38 and 41-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,072,489 to Gough et al ("Gough") in view of U.S. Patent No. 5,651,107 to Frank et al. ("Frank"). Claims 35-42 have been canceled without prejudice. No new claims have been added, and no claims have been amended. Claims 43-59 are pending in the subject application, of which claims 43 and 50 are independent claims.

In the Office Action, all of the pending claims were rejected over the combination of the Gough and Frank patents under 35 U.S.C. § 103(a). Gough discloses a method and apparatus for providing translucent images on a computer display. A first application program produces a base image, and another application program (referred to as the "overlay program") produces a translucent image such that portions of the base image which are overlapped by the overlay image are at least partially visible through the transparent/overlay image. Gough also discloses conducting image operations either on the base image (with reference to the transparent image) or on the transparent image (with reference to the base image). Frank is directed to a method and apparatus for presenting information in a display system using transparent windows. Frank teaches associating an alpha value with each pixel of the display such that multiple images may be blended permitting underlying windows to display data visible to the user through windows which are overlaid above an underlying window.

Independent claim 43 is directed to a method of providing and selecting two or more objects on the display, the method requiring in part: "receiving a user selection signal indicative of the user

interface selection device pointing to the overlapping portion of the first and second objects; and

processing the user selection as indicative of a selection of the underlying portion of the second

object." The Office Action admits that Gough fails to teach the "receiving" step of claim 43 but

asserts that Frank teaches both the "receiving" step and the "processing" step of claim 43. Office

Action at pp. 4-5. The Office Action cites column 10, lines 23-31 of Frank to support this assertion.

Office Action at p. 5. The cited portion of Frank states:

> In addition to the above described features of the present invention, it will be appreciated that the present invention's use of values allows windows to be sorted such that the most transparent window is above less transparent windows. By sorting and subsequently displaying windows based on α values, the top window will always be the most transparent (See FIG. 10), with progressively less transparent windows displayed thereunder.

> The above-quoted passage from Frank does not mention or even suggest either the

"receiving" step or the "processing" step of claim 43 as asserted in the Office Action. More relevant

passages in Frank also fail to disclose these steps as claimed. For example, at column 9, line 59

through column 10, line 23, Frank describes adding active window buttons 280, 281, 282 and 283 to

the four corners of window 255 and adding active windows buttons 285, 286, 287 and 288 to the

four corners of window 260 (see FIG. 10) so that the user can operate on data in an underlying

window with a mouse click on any of the window buttons. However, adding active window buttons

is not the same as "processing the user selection as indicative of a selection of the underlying portion

of the second object." Moreover, this teaching in Frank cannot be properly combined with the

corresponding disclosure in Gough (Figure 17 and column 18, lines 31-46), which teaches away

from the concept of selecting the underlying image or object by selecting the overlapping portion of

the objects. Step 424 of Gough's Figure 17 determines whether the cursor is within the bounds of

the overlay image. If so, then the selection is deemed to be the overlay image. By contrast, the

method of claim 43 would arrive at the opposite result (i.e., that the underlying image has been selected) when the cursor selection occurs in the overlapping portion of the overlay image. Thus, in contrast to claim 43, Gough teaches a different solution that achieves a different result. Similarly, Frank teaches yet another solution (i.e., adding active window buttons), which is incompatible with the solution taught by Gough. Consequently, the teachings of Gough and Frank cannot properly be combined to achieve the method of claim 43.

Claims 44-49 depend either directly or indirectly from independent claim 43 and are thus patentable over the prior art for at least the same reason as claim 43. Therefore, the pending rejection of claims 43-49 under § 103(a) should be withdrawn.

Independent claim 50 is directed towards a method of animating window objects on the display, including the limitation of "varying the translucency of the window object to create an animation of the window object." The Office Action admits that Gough fails to teach the "varying" step of claim 50 but asserts that column 5, lines 8-62 of Frank teaches the "varying" step of claim 50. Office Action at pp. 5-6. However, Frank does not disclose creating "an animation of the window object" anywhere in the cited passage or elsewhere in its specification. The passage from Frank cited in the Office Action corresponds to Figures 2 and 3. The description of Figure 2 merely discusses the arrangement of programs within the memory 16 (in FIG. 1), and the description of Figure 3 relates to prior art systems that did not have variable translucency. Frank discusses variable translucency in other portions of the specification (e.g., column 9), but no disclosure could be found anywhere in Frank with respect to creating "an animation of the window object" as recited in claim 50. Consequently, the assertion in the Office Action that the combination of Gough and Frank render claim 50 obvious is not supportable because neither Gough nor Frank disclose or even suggest

"varying the translucency of the window object to create an animation of the window object."

Accordingly, claim 50 is patentable over Gough and Frank.

Claims 51-59 depend either directly or indirectly from independent claim 50 and are thus patentable over the prior art for at least the same reason as claim 50. Therefore, the pending rejection of claims 50-59 under § 103(a) should be withdrawn.

CONCLUSION

For the reasons stated above, pending claims 43-59 are patentable over the prior art of record. Withdrawal of the pending rejection is respectfully requested. There being no further objections or rejections, it is submitted that the application is now in condition for allowance, which action is respectfully requested. If there are any formal matters remaining after this response, the examiner is requested to telephone the undersigned to attend to these matters. The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

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